improvements. A provision should also be made requiring the presiding officers of courts to inspect the property in dispute on the application of parties.

Lastly, he urged the need for the presiding officers devoting one day in the week to execution work. At present, work in the execution branch received little or no attention of the officers, and the result was extraordinary delay and consequent inconvenience and loss to the parties.

Dewan's reply.—The Member's remarks will be referred to the High Court for opinion.

36. The desirability of investing the Tahsildar-Magistrate, Thodupuzha, with the powers of a Munsiff.

Mr. Ousep Chacko (Member, Thodupuzha taluk) observed that the civil cases in the Thodupuzha taluk, which comprised in all 561 square miles, were tried in the Muvattupuzha Munsiff's Court, and that the people of the taluk, who were already handicapped by several difficulties peculiar to the taluk, found it very difficult to establish their civil rights in the Muvattupuzha Munsiff's Court situated more than 12 miles away from Thodupuzha. The court itself experienced great difficulty to enforce the timely service of summons etc., on parties in the Thodupuzha taluk. He therefore requested that an Additional Munsiff's Court be established at Thodupuzha or that the Taluk Tahsildar be empowered to dispose of civil suits also within the taluk.

Dewan's reply.—Noted.

37. The establishment of a Munsiff's Court at Nedumangad.

Mr. Kanakku Kumaraswamy Veeriaperumal (Member, Nedumangad taluk) said that the civil cases of the taluk came under the jurisdiction of the Munsiffs' courts of Trivandrum, Neyyattinkara and Attingal and the people suffered great hardship by the above distribution. Considering the size of the taluk and the number of suits therein, the Member was of opinion that there would be sufficient work for one Munsiff in the taluk. He therefore requested that the Government might be pleased to establish a Munsiff's Court at Nedumangad.

Dewan's reply.—The Government have, after careful consideration, decided, in G. O. No. J. 9134, dated the 11th November 1914, that no new courts can be created at present. The Member is referred to that G. O.

38. The establishment of a Munsiff's Court at Changanacherri.

Mr. N. Parameswara Panikker (Member, Changanacherri taluk) said that the present arrangement of dividing the taluk into four parts so as to bring it under the jurisdiction of the munsiffs' courts at Kottayam, Alleppey, Kanjirapalli and Thiruvalla, was extremely inconvenient to the people. The inconvenience and hardship were enhanced by the distances of the several courts from their areas of jurisdiction in the taluk and by the circumstance that the people of the taluk had to go often to Changanacherri where all the other important public offices were held. He added that, in 1089, 1,448 suits were filed from the taluk in all the courts together and that that number would amply justify the establishment of a court at Changanacherri. One of the additional courts of Alleppey or Thiruvalla might, the Member proposed, be safely shifted to Changanacherri and the expenditure required for the establishment of a new court might thus be avoided. He therefore requested that the question of the establishment of a Munsiff's Court at Changanacherri might receive the early and sympathetic consideration of the Government.

Mr. Geevarghese Devasya (Member, Trading Classes, Changanacherri) pointed out that, considering the population, wealth and importance of the taluk, it sadly stood in need of a Munsiff's Court. The revenue of the taluk also warranted the same. Under the existing arrangement, the people of the taluk had to go for their civil cases to Thiruvalla, Kottayam and Alleppey. It often happened that the parties had to attend all the courts on the same day, which was impracticable. Further, all the other public offices were being held at Changanacherri and the establishment of a Munsiff's Court also would, in the opinion of the Member, conduce to public convenience. He added that the District Judge of Kottayam had recommended the

LIBRARY ARCHIVES Kerala Legislative Assembly

establishment of a court at Changanacherri. He therefore requested that a court might be established at Changanacherri at an early date.

Dewan's reply.—During my recent tour in the taluk, the people presented a petition to me on this question. This petition has been referred to the High Court for remarks. The matter will be considered on receipt of the High Court's report.

39. The necessity for raising the pecuniary jurisdiction of the Devikulam District Munsiff's Court to Rs. 5,000.

Mr. A. J. Wright (Member, Kannan Devan Planters' Association) conveyed the thanks of the Association to His Highness' Government for the appointment of a Munsiff-Magistrate at Devikulam, and expressed the hope that the appointment, which was but tentative, would be made permanent.

He then pointed out that the comparatively low pecuniary jurisdiction of the court was not only a source of hardship to the would-be suitors but was also a serious financial loss to the Government. Almost all the cases with which the court would be called upon to deal had reference either to advances for labour or to valuable land. The estate owners annualy advanced thousands of rupees for the supply of labour and the labour contractors had heavy liabilities outstanding in their names. Those liabilities were so large that they often did not come within the jurisdiction of the court. Since 1086, the planters had to recover from the labour contractors a sum of Rs. 28,928. Out of that amount, they had to relinquish Rs. 9,275 in 10 suits, so as to make the amounts in the suits fall within the coguisance of the munsiff's court.

The other class of cases was largely concerned with cardamom lands, and one acre of ground was valued, for purposes of suit, at Rs. 1,000. Hence, the Member pointed out, that the jurisdiction of the court was limited to two acres of land or at the lowest calculation to not more than 4 acres of land. Practically, therefore, all such suits were beyond the present jurisdiction of the court. The difficulty was enhanced by the circumstance that the Devikulam Division alone had no District Court within its limits. Suitors had to go to distant Parur for the prosecution of their cases. Parur was 90 miles from Devikulam and the difficulties and expenses of the travel from Devikulam to Parur were indeed great. He added that the said distance necessitated the examination of witnesses on commission under the provisions of the Civil Courts Regulation. Such examination of witnesses and the relinquishment of large sums of money by suitors indirectly affected the Government income. To obviate all the above difficulties, the Member suggested that Section 12 of Regulation II of 1084 might be amended so as to raise the pecuniary jurisdiction of the Devikulam Munsiff's Court from Rs. 2,000 to Rs. 5,000, and he requested that his proposal might commend itself to the favorable consideration of the Government.

Dewan's reply.—Mr. Robinson is in favor of the proposal made by the Member. The matter will be referred to the High Court for remarks.

40. The necessity for special provisions in regard to interest awarded by Civil Courts and documents produced by witnesses before such Courts.

Mr. K. A. Krishna Pattar (Member, Trading Classes, Quilon) pointed out that, in almost all the decrees obtained from the civil courts in the State interest on the decree amounts was awarded at 6 per cent from the date of plaint. The rate was very low and it caused serious loss to the decree-holders. The civil suits often took 3 and 4 years for final adjudication and the low interest awarded for such long periods was highly prejudicial to the decree-holders. He therefore requested that the civil courts might be asked to award a higher rate of interest or to award interest at the rate agreed to between the parties in the transaction forming the subject-matter of the suit.

The Member then proceeded to consider the question of documents produced by witnesses before the civil courts and said that the inordinate detention of those documents in the courts seriously interfered with business, as the documents were necessary for the witnesses for frequent reference in their private transactions. He therefore suggested that the witnesses might be permitted to produce the original

LIBRARY ARCHIVES Kerala Legislative Assembly